

REMARKS

By this Amendment, Applicants have amended claims 17 and 25-27. Support for Applicants' claim amendments can be found, for example, in Applicants' specification on pages 6-8 and 15-17.

In the Office Action claims 17-18, 25-27, 34, 36, and 38 under 35 U.S.C. § 102(b) were rejected as being anticipated by Call (U.S. Patent No. 5,913,210); and claims 17-18, 25-27, 34, 36, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Call in view of Tobin (U.S. Patent No. 6,141,666).

Rejection of Claims 17-18, 25-27, 34, 36, and 38 under 35 U.S.C. § 102(b)

In order for Kenet et al. to anticipate Applicants' claims under 35 U.S.C. § 102(b), each and every element of the claim at issue must be found, either expressly or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)).

Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection should be withdrawn for the following reasons. Each of independent claims 17 and 25-27, as amended, recites, among other things, "the first set of information including identifying information relating to a product supplied by the supplier and unique to the supplier, and the second set of information including identifying information relating to the product supplied by the supplier and unique to the reseller; enabling assignment of at least first and second addresses to the module, such that when the module is called in the supplier's website by the first address, the first and third sets of information are caused

to be incorporated into the supplier's web site while the second set of information is prevented from being incorporated into the supplier's website."

Call does not teach or suggest the above recited claim limitations. Call is directed to a system for enabling resellers and consumers to retrieve information about products from the source of the products (the manufacturer) by resellers and consumers. (2:32-37). The system uses a product code translator that stores cross-references between product codes and Internet addresses. (2:48-50). The product code translator includes a registration handler that accepts cross-references submitted by manufacturers which relate their assigned universal product codes to associated Internet addresses where information relating to their products can be obtained (3:48-52). The product code translator also includes a query handler that accepts queries via the Internet, where each query includes all or part of a universal product code, and it returns the Internet addresses which can be used to obtain information about the products identified by the codes. (3:53-58).

In the Call system “[w]hen an incoming query is received by the query handler . . . a table lookup function is performed by searching [a] cross-reference table. . . for a row record . . . which specif[ies] a set of universal product codes which include the code or codes specified by the query. If matching rows(s) are found, **the IP-address(es) found in the matching rows(s) are returned to the query submitter.**” (6:53-59). Call merely returns IP addresses of the matching codes submitted in the query. The IP addresses relate to the “URL which specifies the Internet resource which will make that product information available.” (6:40-42). The product code translator performs “a translation of specified universal products codes into the corresponding Internet

addresses from which information about the designated products can be obtained."

(2:44-47).

Call does not mention or otherwise disclose any "first set of information including identifying information relating to a product supplied by the supplier and unique to the supplier, and the second set of information including identifying information relating to the product supplied by the supplier and unique to the reseller," as recited in amended claims 17 and 25-27. Call is merely returning IP-addresses in response to a query. The IP addresses are not "identifying information relating to a product," as recited in claims 17, and 25-27, and are only a link to a website where information on the products can be found.

The Examiner asserts that "[i]nherently, manufacturers and resellers will have their name on their own web-site [and this] meets the limitation brought from the dependent claims into the independent claims." (Office Action, p. However, a manufacturer or reseller having their name on the website is not a teaching or suggestion of "the first set of information including identifying information relating to a product supplied by the supplier and unique to the supplier, and the second set of information including identifying information relating to the product supplied by the supplier and unique to the reseller" because a name on a website is only to show the website belongs to that particular manufacturer or reseller. The name on the website has no relation to "identifying information relating to a product supplied by a supplier and unique to the supplier" or "identifying information relating to the product supplied by the supplier and unique to the reseller." The name on the website is merely information identifying the name of a reseller or a supplier.

For at least these reasons, the rejection of claims 17, and 26-27 under 35 U.S.C. § 102(b) should be withdrawn. In addition, Applicants submit that dependent claims 18, 34, 36, and 38 are neither anticipated nor rendered obvious in view of Call at least by virtue of their dependence from allowable independent claims 17, and 25-27, respectively.

Rejection of Claims 17-18, 25-27, 34, 36, and 38 under 35 U.S.C. § 103(a)

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Here, the cited references cannot support a rejection under 35 U.S.C. § 103(a) because, among other things, Call and Tobin, taken alone or in any proper combination, do not disclose, teach, or suggest each and every feature recited in Applicants' claims. Each of independent claims 17 and 25-27, as amended, recites, among other things, "the first set of information including identifying information relating to a product supplied by the supplier and unique to the supplier, and the second set of information including identifying information relating to the product supplied by the supplier and unique to the reseller."

The Examiner asserts that "FIGS. 21C, 22-28, 29A-29B, and 30 [of Tobin] show private label Web site pages that correlate to the PC Flower and Gifts Web Site pages depicted in FIGs. 1C-10 which are customized solely with the Homearts brand." (Office

Action, page 3.) The Office Action further alleges that “[t]his teaches unique identifying information on websites in order to promote branding.” (Id.) Applicants respectfully disagree.

Tobin is directed to a system that provides dynamic customization of hypertext tagged documents presented to clients accessing the system. (Tobin, Abstract.) Tobin describes a PC Flowers & Gifts home page Web site that provides consumers with gift purchasing opportunities through hypertext links. (Id. at col. 6, lines 55-60.) The portions of Tobin cited by the Examiner describe how a marketing partner, Homearts, prefers a “private label customization of the PC Flowers & Gifts Web site pages.” (Id. at col. 9, lines 52-55.) The main page of Homearts contains a link to a Homearts’ web site page “which offers marketing services to clients.” (Id. at 58-59.) The hypertext link “provides a jump to the PC Flowers & Gifts Web site pages . . . which have been customized in accordance with the marketing partner’s private label requirements.” (Id. at 55-60.)

Tobin merely provides a link from one web page (the Homearts main page) to a customized PC Flowers & Gifts Web page. The link is not a disclosure of a “first set of information including identifying information relating to a product supplied by the supplier and unique to the supplier,” because it’s a link to a site that offers marketing services to clients. The PC Flowers & Gifts Web site offers marketing services, and is not a supplier of any products. The web site link in Tobin is not “identifying information relating to a product,” but is identifying a link to a customized page for marketing services. Furthermore, Tobin does not disclose any “second set of information,” much less “the second set of information including identifying information relating to the

product supplied by the supplier and unique to the reseller," as recited in claims 17 and 25-27.

Accordingly, Call and Tobin, taken alone or in any proper combination, do not teach or suggest each and every feature recited in Applicants' independent claims 17 and 25-27 and, therefore, cannot support a rejection of any of these claims or dependent claims 18, 34, 36, and 38 under 35 U.S.C. § 103(a). Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and deemed appropriate.

CONCLUSION

Applicants respectfully request reconsideration of the application, withdrawal of the claim rejections, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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